HIGH COURT OF UTTARTANCHAL AT NAINITAL

ORIGINAL JURISDICTION

Dated: Nainital the 3rd March 2006

Bail Application No. 118 of 2006

Order on the bail application of accused.

CRIMINAL SIDE

Kundan Singh
R/o Sri Umad Singh
R/o Talla Ramgarh
Patti Ramgarh
District- Nainital … Applicant

Versus

State of Uttaranchal … Opposite party.

In Case Crime No. 7 of 2005
U/s 395, 412, I.P.C. and 2/3 Gangster and
Anti-social Activities Prevention Act.
Patti Pandey Gaon investigation by Police Station – Kathgodam,
District – Nainital

AND

Bail Application No. 117 of 2006

Kundan Singh
S/o Sri Umad Singh
R/o Talla Ramgarh
Patti Ramgarh
District – Nainital …… Applicant

Versus

State of Uttaranchal … Opposite party.

In Case Crime No. 1780 of 2005
U/s 4/25 Arms Act
Police Station – Kathgodam,
District –Nainital

Hon'ble J. C. S. Rawat, J.

Heard Sri Ajay Singh Bisht-learned counsel for the applicant, learned AGA for the State and perused the record.

The accused was arrested on 15th December, 2005 while the incident took place in the intervening night of 22nd / 23rd, September, 2005. The F.I.R. was lodged without nominating any person. There is no identification parade till date. The only link evidence is that there were signature on the

Notes which was the subject matter of the dacoity. The notes which were recovered from the possession of the accused were bearing the signature of the complainant. It was contended by the learned counsel for the applicant that the story as narrated u/s 161 Cr.P.C. is not probable. Nobody will make the signature on the notes worth Rs. 70,000/- which were recovered from the possession of the complainant. The recovery of Rs. 100/- has been shown from the possession of the accused. Considering the facts and circumstance of the case, the applicant is entitled for bail u/s 395, 412 I.P.C. and 2/3 Gangster and Anti-social Activities Prevention Act. The applicant has been released on bail in the main case, therefore, the applicant is also released on bail u/s 4/25 Arms Act in case crime No. 1780 of 2005.

Let the applicant-accused, Kundan Singh be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the CJM concerned.

(J.C.S. Rawat, J.)

Dated:- 21.03.2006
Shiv